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the course, the chapter on Witnesses and treating it as if it were Chapter II instead of Chapter V.

As to the selection of cases, of course the real test is the test of the classroom, and an opinion given before actual use of the case-book may well be a mistaken one. But an examination of the cases selected by the author certainly gives one the impression that they will teach well. Many of them are recent cases; yet the history of the formative period of the law is not neglected, though perhaps less emphasized than in the older case-books. One noteworthy feature—relating both to the arrangement and to the selection of the cases—is the author's obvious preference for a broad and general scheme of classification rather than the minutely analytical scheme adopted by Dean Wigmore. The result of this broad grouping is, naturally, a classification which is not strictly accurate and logical, a lumping together of cases which are similar and yet distinguishable. From the point of view of the thorough analyst, this plan is open to objection; but it is certain that many teachers approve of a method which compels the student to make his own classification after finding for himself the proper *fundamentum divisionis*.

EVANS HOLBROOK.

THE IMMUNITY OF PRIVATE PROPERTY FROM CAPTURE AT SEA, by Harold Scott Quigley. Bulletin of the University of Wisconsin, Economics and Political Science Series, Vol. IX, No. 2. Madison, 1918. Pp. 200.

The immunity of private property in maritime warfare means freedom from capture and condemnation for privately owned enemy ships and enemy cargoes on board. Immunity has never been the rule. Is it desirable as a reform? The United States Government has always favored it and the idea has received influential support in other countries. What is the proposal worth and what may be expected to come from it?

Dr. Quigley believes that the question of immunity must be considered in connection with blockade, contraband, continuous voyage, visit and search, war zones, and other aspects of the law of capture which affect primarily the ships and cargoes of neutrals. Accordingly, he bases his dissertation upon the premise that practice under rules for the protection of neutral ships and goods, as well as enemy goods on neutral ships, should be a reliable indication of the probable value of proposed limitations on the capture of enemy ships and cargoes. The practice of the principal maritime powers as regards capture at sea is reviewed briefly from the *Consolato del Mare* of the fourteenth century until the present day. Due attention is given to the development of theory in the writing of publicists. The evidence which the author assembles with admirable impartiality is far from assuring for the reader who would like to believe in the rule of immunity. While the author feels that the development of the law of capture is on the whole a record of progress, he concludes that limitations on the right of capture have rarely been effective in practice. Belligerents have unfailingly subordinated neutral rights to their own interests. New limitations are likely to be made in time of peace

only to be disregarded in time of war. The reader lays the monograph down feeling the futility of attempting to impose new limitations until more substantial foundations have been laid in the practice of nations. Indeed, one may fairly question whether effort spent in this direction can ever yield even a modicum of satisfactory return.

The positivism of the monograph gives it permanent value. A little more generosity in comment *passim* on the evidence would have been welcome. The work could be made more readable by a more thorough assimilation of materials. The text should not have been encumbered with untranslated extracts from foreign sources. The chapter on the World War is of necessity incomplete, covering approximately the first year, but the significance of the war measures seems to have been adequately appreciated. On the whole, Dr. Quigley has written an excellent dissertation and one that is fully up to the standard which we have come to expect in the Wisconsin series.

EDWIN D. DICKINSON.